

To: Michigan House of Representatives, Agriculture Committee:

From: Connie R. Gale, PO Box 327, Addison, MI 49220 (517)547-3271 and fax 547-6199 *Connie R. Gale*

Re: HB 5711,5712,5713,5714,5715,5716 February 24, 2006 page one of ~~six~~ *five*

I have had extensive experience in reporting suspected as well as verified contaminated discharges into a state waterway. My husband was raised on a farm and we own a farm: we belong to agricultural organizations and have attended MAEAP and agricultural seminars. I have had extensive documented communications with the MDA, DEQ and USDA/NRCS.

According to Michigan and Federal government employees working in the field and as verified by my own experience, in comparison to many other states,

1. The purported enforcement system is basically non-existent because by law, it is structured to rely upon a complaint being communicated by a citizen to the appropriate governmental entity and having such complaint verified within the time of the discharge. The coincidence of events are highly unlikely to happen within a framework of an uninformed, financially stressed and intimidated citizenry - it is a non-starter.
2. Michigan does not even have minimal agricultural standards of operation, "Generally Accepted Agricultural Management Practices - GAAMP" (documents aside!)
3. Michigan has no zoning restrictions for building polluting agricultural facilities and putting in place polluting agricultural operations
4. Michigan allows one to build and operate agriculturally polluting facilities - restrictions do not kick in until there is a verified complaint or there is a permit approved.
5. Michigan does not have a zero tolerance of agricultural pollution - Rather, Michigan has an almost 100% tolerance of such pollution.

In this context, the agricultural organizations are doing a tremendous effort in even bothering farmers with environmental constraints. Farmers who want to engage in environmental pollution to reduce labor and other costs are very well aware of the statutory and regulatory vacuum, and use excrement and other activities to intimidate citizenry from reporting their actions. Farmers who want to engage in environmental responsibility do not do so because of the government.

From a tax payers' perspective, the budget allocations to support efforts by the agricultural organizations are superfluous; the enforcement efforts are merely form over substance; and the bureaucratic infrastructure to purportedly clean the Great Lakes would be a laughable travesty. Given these realities, legislative efforts should be more responsibly devoted to substantially reducing the agencies devoted to these non-efforts or re-vamping the sham legalistic structure.

It is almost unbelievable that we are even considering impinging upon the Constitutional rights of our citizens, intimidating the citizenry, or bothering with hearings and legislative consideration for such a ridiculous environmental program. The press is uninformed and the citizenry are uninformed: why not let sleeping dogs lie?!

In conclusion, let us be honest with the public, call it a day, and pray for God's mercy in spite of our unrepentant devastation of His creation.

February 16, 2006

To the Addressees in Exhibit A:

Laws have been passed and others being considered for passage which would penalize a citizen complainant if his/her personal assessment of a violation of the law by another is deemed by the government to be incorrect. This is not in the context of defamation or other intentional disparagement by the citizen but rather, the citizen's good faith concern that an activity has taken place which impacts the health and welfare of society.

For example, if a citizen (1) dutifully reported that a farm was discharging animal wastes into a waterway and (2) the government agency determined that the report was "unverified", the citizen would be penalized. The discharge could, in fact, have taken place but if "unverified" by the government, the reporting citizen, not the farm discharging the waste, would be penalized.

It is important to recognize the factors that go into this type of law.

First, the government agency has the authority to determine what citizen communications are deemed a "complaint" and then, if the "complaint" is unverified, the citizen would be penalized even if the citizen had no idea that the notice was being defined as a "complaint".

Second, the government agency determines what is necessary to "verify" a complaint but the citizen would normally be unaware of the criterion.

Third, the government agency has the discretion to "verify" the complaint and if it chooses not to "verify" the complaint, such as testing the discharge for e coli, the citizen would be penalized even though he/she has no control of the government agency's determination.
Does this accord with our American democracy, the Constitution, our value system?

Ironically, these laws and proposed laws which pit neighbor against neighbor, stifle citizen involvement, and protect the offense from discovery are part and parcel of the laws purportedly protecting the environment from agricultural pollution!

It is doubtful that most citizens understand that the laws purportedly protecting the environment from detrimental agricultural practices are not system based (the system can pollute or be known to likely pollute but can be installed, operated, maintained) but rather result based. The laws require the following sequence of events: (1) will some average citizen discover the discharge once it is already in the process of impacting the environment and have confidence enough in his/her observations to report the pollution event to the right government agency desk responsible to handle the complaint, (2) will the government agency employee receiving the report actually listen or read and understand the communication and then immediately have a knowledgeable employee travel to the site during the discharge event, (3) will the government agency employee who arrives at the site during the discharge actually appropriately test or otherwise "verify" the discharge according to its own standards, and (4) will the government agency then actually do something about it not only in terms of clean up but prevention for future events? Does anyone really believe this scenario will ever effectively take place? It is obvious that the legislation relies on this hardly ever taking place.

These laws rely upon the citizenry being ignorant and being kept ignorant. It is patently obvious

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in this type of legislation that the only one likely to be "caught" is the citizen phoning or writing in the "complaint". Other than for very few exceptions, in real life application, the laws protect the polluting entity from any ramifications because the laws are result based; the "verified complaint" provision is directed at enforcing the citizenry to shut up about it.

The strength of any compliance program is the competent handling of the weakest link - the actual agricultural pollutor. The agricultural organizations have been effective in promoting agricultural environmental stewardship, but they do not stand in the gap when there is an agricultural environmental scofflaw. This undercuts the integrity of what should be very worthwhile endeavors, including legislative initiatives.

The governmental organizations must realize that the ultimate entity to which they are beholden is our collective future - for example, the land to be worked by successive generations, the stability and growth of rural communities, the future quality and quantity of our water supplies, the beauty and diversity of our wildlife, fauna and aquatic life. When the government, through poor legislation and contempt for its citizens, wastes the natural resources, allows environmental travesties to go unchecked, turns on the law abiding citizens rather than the law breakers, in my opinion, it is a form of corruption.

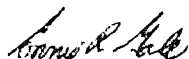
No legislation should be passed which motivate governmental employees, agricultural entities and organizations to lie, cheat, cover up, threaten, or exacerbate the problem purportedly being addressed in the legislation. Cause and effect must be maturely discussed and dealt with in promulgating any legislation. Yes, there may be extremes voiced on either side of the issue. However, reason must prevail and protections put in place so that all parties affected by the legislation are actually motivated to accomplish its purposes.

The attached summary reflects a citizen's real life experience over an almost six year period in trying to meet the responsibilities of a good citizen. It stands in witness that previous legislative attempts at controlling agricultural pollution actually lead to corruption of the very objectives set forth in such legislation. And, it is clear that, without honestly exploring these realities, the government will continue to legislate irresponsibly.

I am in full support of encouraging environmental stewardship on the part of farmers. Any legislation must also encourage environmental and ethical responsibility on the part of government in the implementation of such legislation. Legislation must never encourage, by intent or negligence, corruption of our government, our American values or our citizenry.

And if any organization considers pulling the wool over the citizenry's eyes by promoting legislation to encourage such corruption or by using their political lobbying power to persuade the government to act corruptly, then they are doing their membership a grave disservice. Again, whatever is being legislated, promoted, or asserted must be judged by the weakest link - what happens in the event of actual agricultural pollution?

Sincerely,



Mrs. Connie Gale
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Contrast in Compliance/Manure Waste Management Plans

Numerous agricultural universities, farm organizations, environmental organizations and individuals (including many farmers) are educated, informed and pro-active in developing and implementing appropriate waste management plans. The intelligent enactment and implementation of such waste management plans (whether in the form of practice, oral understandings or actual written documents) are perceived as necessary due to (a) preserving the farm land for future agricultural use, (b) keeping good neighbor relations, (c) complying with the law, (d) establishing one's standing in the various communities which are meaningful to that individual or entity, and (e) acknowledging the moral issues in play in not jeopardizing the community or country's water supply, or the health of humans, animal and other life.

From my personal experience, this is the government development and implementation of a waste management plan.

1. Develop a contaminated surface run-off containment area which is designed to empty into a state waterway which is utilized as a drinking water source by downstream communities.
2. Develop a contaminated surface run-off containment area which is designed to empty onto another private property, the owners of whom are not notified that their property is being taken as a waste discharge area.
3. Develop a contaminated surface run-off containment area which is designed to empty into a state waterway traversing through neighboring private property with the intention that the neighboring private property serves as a waste treatment facility by carrying the volumes of contaminated water through the length of the private property, oxygenating the polluted water and settling the solids.

4. Once the financial and design assistance is rendered to the owner of the contaminated containment area, withdraw from further oversight for decades.
5. The contaminated containment area, paid for with the assistance of the tax payers, is now utilized to significantly expand the facilities for the personal financial benefit of the land owner.
6. The contaminated containment area now is not only aging, not maintained according to acknowledged environmental requirements, but also carrying increased loads of contaminants, all of which continue to be discharged to the neighboring private property and then to the downstream communities.

7. With a change of ownership of the neighboring private property, the government's waste containment facility is discovered by the new owner to be discharging wastes from the containment facility to the state waterway traversing the property.
8. The government intervenes and protects further discovery of the design of the system, the extent of the discharge, or any real cessation of the continued contamination.
9. There is no effort to assess the damage to the state waterway once the matter has been

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